

Chapter 6: License Suspension & Restoration

Who can suspend my license if I don't pay child support?

Both the Division of Child Support Enforcement (DCSE) and the Family Court can suspend your driver's license.

How does DCSE suspend my license?

If you owe \$1,000 or more in past due child support and have not made a complete payment in the past 30 days, DCSE may send you a notice that it may suspend your driver's license. After you receive the letter, you may avoid suspension by:

- 1) paying your arrears in full **OR**
- 2) consent to a payment plan agreement* **OR**
- 3) request, in writing, a DCSE administrative hearing.

** If a consent plan is agreed upon, one missed payment will result in suspension.*

How can I get my license back if it is suspended by DCSE?

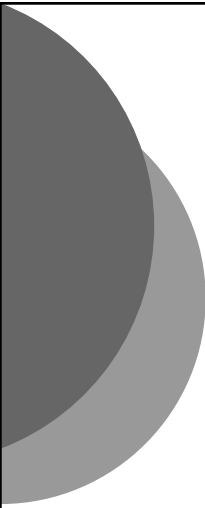
If DCSE suspended your license, you must either pay off your balance or enter into a payment agreement with DCSE.

-If those options are not available and it has been more than 2 ½ years since current support was established or modified, you can file a petition for child support modification. If it has been less than 2 ½ years, your child support modification petition must state a substantial change of circumstances not caused by your own voluntary or wrongful conduct and unrelated to license suspension. During the resulting mediation and hearings, license restoration can be addressed.

When can Family Court suspend my license?

License suspension occurs automatically when Family Court issues a capias for failure to appear at any paternity or child support proceeding. Upon resolution of the capias you must apply for reinstatement of your license at the Department of Motor Vehicle.

Family Court can suspend your license if it is found that you are in contempt in a child support arrears action. The Court can suspend a license but defer the suspension for six (6) months on condition of regular payments. At any time during the six-month period or within 30 days, DCSE can file a motion to



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suspend the license or extend the deferral. DCSE cannot suspend your license during the period of deferral.

How can I get my license back if it is suspended by Family Court?

If you disagree with the Court's decision to suspend your license, you can file either:

- 1) A Motion for Re-argument to be considered by the Commissioner who ordered the suspension **OR**
- 2) A Review of a Commissioner's Order to be reviewed by a Family Court Judge upon payment of a filing fee and the costs associated with preparation of the transcript of the Commissioner's hearing, if any, provided it is filed within 30 days of the Commissioner's Order.

How can I get my license back when I've paid the arrears?

If you do not appeal the decision but believe later that you have done all that the Court required in its order of suspension, then you can file a Motion to Lift the Suspension.

If the Family Court or DCSE directs my license to be restored, can I start driving again?

No. You must go to the Department of Motor Vehicles and pay a reinstatement fee. Additionally, your license may not be reinstated if you have other restrictions unrelated to child support (i.e. unpaid traffic fines, DUI, etc.)